

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIA ADG SHIPMANAGEMENT

Case No.: **07 CV 11187(WHP)**

Plaintiff,

- against -

ANSWER

ALFA STRAKHOVANIE a.k.a.
ALFASTRAKHOVANIE PLC,

Defendant.

Defendant ALFASTRAKHOVANIE PLC ("ALFA"), by and through its counsel, Clyde & Co US LLP, and in accordance with its restricted appearance pursuant to Rule E(8) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, answers plaintiff's Verified Complaint ("Complaint") as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Complaint.
3. Admits the allegations in paragraph 3 of the Complaint.
4. Admits the allegations in paragraph 4 of the Complaint.
5. Denies the allegations in paragraph 5 of the Complaint.
6. Denies the allegations in paragraph 6 of the Complaint.
7. Admits the allegations in paragraph 7 of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint.
9. Denies the allegations in paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint, except admits that it is not present within this District within the meaning of Supplemental Rule B, and states that it leaves all questions of law to be decided by the Court.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

13. The Complaint should be dismissed because it fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

14. Plaintiff's claims are barred by the doctrines of laches, unclean hands, equitable estoppel, and other equitable defenses.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

15. The Complaint should be dismissed on the grounds of *forum non conveniens*.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

16. Plaintiff's claims set forth in the Complaint must be denied or reduced on the grounds of plaintiff's failure to mitigate its damages.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

17. The Complaint should be dismissed because the Court lacks personal jurisdiction over ALFA.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

18. The Complaint must be stayed or dismissed under 9 U.S.C. § 1 *et seq.* in favor of the Moscow Arbitration.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

19. The Complaint should be dismissed because plaintiff's claims are barred by the provisions in the applicable contract of insurance.

AS AND FOR AN EIGHT AFFIRMATIVE DEFENSE

20. The action is founded upon improper venue.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

21. The Complaint should be dismissed because the contract of insurance upon which plaintiff's claims are based requires that all disputes arising under the contract of insurance be referred to and decided exclusively by the Maritime Arbitration Commission at the Russian Chamber of Commerce and Industry, Moscow.

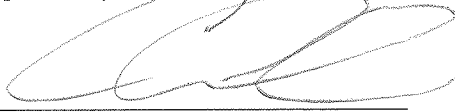
AS AND FOR A TENTH AFFIRMATIVE DEFENSE

22. Plaintiff has failed to make proper service of process upon ALFA.

WHEREFORE, Defendant ALFASTRAKHOVANIA PLC demands judgment dismissing the Complaint, and awarding its costs and attorneys' fees incurred in connection with this matter, together with such other, further and different relief as the Court may deem just and proper.

Dated: February 4, 2008
New York, New York

Respectfully submitted,

By 

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